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ATTORNEYS FOR DEFENDANT  
 TETLEY USA INC.

**UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION**

DARYL DE KECZER, individually and on  
 behalf of all others similarly situated,

Plaintiff,

vs.

TETLEY USA, INC.,

Defendant.

Case No. CV 12-02409 EJD

**CLASS ACTION**

**JOINT STATUS REPORT AND  
 [PROPOSED] SCHEDULING ORDER**

Judge: Hon. Edward J. Davila

Date: October 29, 2015

Location: Courtroom 4 – 5<sup>th</sup> Floor

Action Filed: May 11, 2012

The parties, Daryl de Keczer (“Plaintiff”) and Tetley USA Inc. (“Defendant”), submit this Joint Status Report and [Proposed] Scheduling Order.

### 1) STATUS

Plaintiff filed his Third Amended Class Action Complaint (“TAC”) on September 5, 2014 (Dkt. 72.) Defendant answered the TAC on October 17, 2014. (Dkt. 75.) Plaintiff filed a Motion for Leave to File a Fourth Amended Class Action Complaint on March 3, 2015. (Dkt. 80.) The Court denied the Motion for Leave to File a Fourth Amended Class Action Complaint on July 10, 2015. (Dkt. 88.) Fact discovery is currently ongoing.

### 2) PROPOSED SCHEDULE

There is no pending scheduling order in this case. Accordingly, the parties stipulate and agree, subject to the Court’s approval, that the parties will be bound by the following schedule:

Defendant’s Motion for Summary Judgment or, in the alternative, Partial Summary Judgment on Named Plaintiff’s Claims	December 15, 2015
Plaintiff’s Opposition to Motion for Summary Judgment	February 1, 2015
Defendant’s Reply to Plaintiff’s Opposition to Motion for Summary Judgment	March 1, 2016
Hearing on Motion for Summary Judgment	March 17, 2016 at 9:00 AM
Motion for Class Certification and Deadline for Expert Disclosures	April 1, 2016
Opposition to Motion for Class Certification and Deadline for Rebuttal Expert Disclosures	May 15, 2016
Reply to Opposition to Motion for Class Certification	June 15, 2016
Class Certification Hearing	June 30, 2016 at 9:00 AM
Deadline for Fact and Expert Witnesses	October 1, 2016
Deadline for Filing Dispositive Motions	November 1, 2016

1 PRATT & ASSOCIATES  
2 COLEMAN LAW FIRM

THE LAW OFFICE OF PHILIP A. LEIDER  
ROBINSON & COLE LLP


3 By: /s/ J. Price Coleman  
4 J. Price Coleman  
Attorneys for Plaintiff

By: /s/ Philip A. Leider  
Attorneys for Defendant  
Tetley USA Inc.

7 **[PROPOSED] ORDER**

8 Pursuant to the stipulation of the parties, **IT IS SO ORDERED.**

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10 DATED: 10/30/2015

  
11 THE HONORABLE EDWARD J. DAVILA  
12 United States District Court Judge  
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**ECF ATTESTATION**

I, Philip A. Leider, am the ECF User whose ID and password are being used to file the foregoing: **JOINT STATUS REPORT AND [PROPOSED] SCHEDULING ORDER**. In compliance with Civil Local Rule 5-1(i), I hereby attest that J. Price Coleman, attorney for Plaintiff, concurred in this filing.

By: /s/ Philip A. Leider

Philip A. Leider